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Partner

April 6, 2022

**Via ECF**

Hon. James M. Wicks  
United States Magistrate Judge  
United States District Court  
Eastern District of New York  
Long Island Courthouse  
100 Federal Plaza  
Central Islip, NY 11722

**Re: Index No.: 2:20-cv-05087-GRB-JMW; Walsh v. Top Notch Home Designs Corp. et al**

To the Honorable Court:

My office represents Defendants, Top Notch Home Designs Corp. d/b/a Top Notch and Leonidis "Luis" Priftakis ("Defendants"), in the above referenced matter. I write to the Court in response to Plaintiff's Motion to Produce Outstanding Text Messages filed April 16, 2022.

Please be advised that the text messages outstanding are from the personal cell phones of Defendants' workers and are not in his custody or control. Defendants have been trying to coordinate obtaining these phones from them to take to the IT company hired to extract these messages for weeks.

Logistically, the workers have to relinquish their phones for two days or more to get this done. Defendants have offered them temporary phones, but he cannot compel them to give up their phones.

I am being advised that the workers have agreed to cooperate, but he needs time to get this done.

Additionally, Your Honor set a discovery deadline in July, as such Plaintiff's motion is premature.

Thank you for your attention to this matter.

Very Truly Yours,  
/s/ Pankaj Malik  
Pankaj Malik, Esq.

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